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EXAMINER
CHU, GABRIEL L

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/825,997	GENTILE, ROBERT
	Examiner	Art Unit	
	Gabriel L. Chu	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
                                        Paper No(s)/Mail Date. _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   6)☐ Other: _____ .
       Paper No(s)/Mail Date _____ .

DETAILED ACTION

STATUS OF CLAIMS

1.   Claims 1-3,10,11,17,24-26,32-34 and 48 are rejected under 35 U.S.C. 102(e) as

being anticipated by US 6314455 to Cromer et al.

2.   Claims 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US 6314455 to Cromer et al. in view of JP409258965A to Aoki.

3.   Claims 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US 6314455 to Cromer et al.

4.   Claims 4-9,12-14,27-31 and 35-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 6314455 to Cromer et al. as applied to claims 1, 2, 10, 24, 25, 32,

and 33 above.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-3,10,11,17,24-26,32-34 and 48 are rejected under 35 U.S.C. 102(e) as

being anticipated by US 6314455 to Cromer et al. Referring to claim 1, Cromer et al.

discloses upon startup, determining whether a BIOS of a computer system is corrupt

(From figure 4, 412.); continuing with a normal boot if said BIOS is not corrupt (From

figure 4, 410.); if said BIOS is corrupt: initializing components of said computer system

sufficient to establish a communications connection with a recovery server, locating said

recovery server, connecting to said recovery server, and sending system information to

said recovery server ((From figure 4, 412, 422.); downloading an uncorrupted version of

said BIOS from said recovery server based on said system information (From figure 4,

424.); programming said uncorrupted BIOS onto said computer system's BIOS storage

area (From figure 4, 426.); and rebooting (From figure 4, 428.).

7.   Referring to claims 2 and 33, Cromer et al. discloses one of said components is a

network card. (From line 45 of column 3, "FIG. 1 illustrates a pictorial representation of a

data processing system including a plurality of client computer systems 104 coupled to

a server computer system 100 utilizing a hub 102 in accordance with the method and

system of the present invention. Server computer system 100 is connected to a hub

102 utilizing a local area network (LAN) connector bus 106. Respective client systems

104 also connect to hub 102 through respective LAN busses 106. The preferred form of

the network conforms to the Ethernet specification and uses such hubs. It will be

appreciated, however, that other forms of networks, such as token ring, may be utilized

to implement the invention.").

8.   Referring to claims 3, 11, 17, 26, and 34, Cromer et al. discloses said computer

system has a local area network (From line 45 of column 3, "FIG. 1 illustrates a pictorial

representation of a data processing system including a plurality of client computer

systems 104 coupled to a server computer system 100 utilizing a hub 102 in

accordance with the method and system of the present invention. Server computer

system 100 is connected to a hub 102 utilizing a local area network (LAN) connector bus 106. Respective client systems 104 also connect to hub 102 through respective LAN busses 106. The preferred form of the network conforms to the Ethernet specification and uses such hubs. It will be appreciated, however, that other forms of networks, such as token ring, may be utilized to implement the invention.").

9.   Referring to claim 10, Cromer et al. discloses receiving at a server a request for an uncorrupted version of a BIOS transmitted by a computer system with a corrupted version of said BIOS detected during startup (Figure 4, 412, 422.); receiving information from said computer system (Figure 4, 412, 422.); and responsive to said system information, transmitting an uncorrupted version of said BIOS to said computer system (Figure 4, 424.).

10.   Referring to claim 24, Cromer et al. discloses a computer system, said computer system comprising a processor, a BIOS recovery program, a BIOS storage area containing said BIOS, RAM, a first communications system and a chipset to control the flow of data between the processor, the motherboard bus and the RAM (Figure 2.); and a recovery server, said recovery server comprising a processor, a storage medium, and a second communications system (Figure 1, 100, wherein the server is capable of processing, storing, and communicating.); wherein said processor of said computer system, in response to detecting a corrupt version of said BIOS detecting during startup, executes said BIOS recovery program to: initialize in said computer system, said chipset, RAM, and first communications system; locate said recovery server, connect to said recovery server through said first and second communications systems; send

system information to said recovery server (Figure 4, 412, 422.); download from said

recovery server an uncorrupted version of said BIOS based on said system information

(Figure 4, 424.); stores said uncorrupted version of said BIOS into said BIOS storage

area (Figure 4, 426.); and reboot said computer system (Figure 4, 428.).

11.   Referring to claim 25, Cromer et al. discloses said first and second

communication system are network cards (From line 45 of column 3, "FIG. 1 illustrates

a pictorial representation of a data processing system including a plurality of client

computer systems 104 coupled to a server computer system 100 utilizing a hub 102 in

accordance with the method and system of the present invention. Server computer

system 100 is connected to a hub 102 utilizing a local area network (LAN) connector

bus 106. Respective client systems 104 also connect to hub 102 through respective

LAN busses 106. The preferred form of the network conforms to the Ethernet

specification and uses such hubs. It will be appreciated, however, that other forms of

networks, such as token ring, may be utilized to implement the invention.").

12.   Referring to claim 32, Cromer et al. discloses a computer system, said computer

system comprising a processor, a bus, a BIOS recovery program, a BIOS storage area

containing said BIOS, RAM, and a first communications system and a chipset to control

the flow of data between the processor, the bus and the RAM (Figure 2.); wherein said

computer system's processor, in response to detecting a corrupt version of said BIOS

during startup, executes said BIOS recovery program to: initialize said chipset of said

computer system, RAM, and said first communications system, locate a recovery

server, connect to said recovery server through said first communications system, send

system information to said recovery server (Figure 4, 412, 422.); download from said

recovery server an uncorrupted version of said BIOS based on said system information

(Figure 4, 424.); store said uncorrupted version of BIOS into said BIOS storage area

(Figure 4, 426.); and reboot (Figure 4, 428.).

13.   Referring to claim 48, Cromer et al. discloses a computer system, said computer

system comprising a BIOS and components sufficient to enable recovery of an

uncorrupted BIOS from a remote server (Figure 2.); wherein said computer system, in

response to detecting a corrupt version of said BIOS during startup (Figure 4, 412.),

operates said components to: connect to a remote server, send system information to

said remote server (Figure 4, 412, 422.); receive, based on said system information, an

uncorrupted version of said BIOS from said remote server (Figure 4, 424.); store said

uncorrupted version of said BIOS (Figure 4, 426.), and reboot said computer system

(Figure 4, 428.).

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US 6314455 to Cromer et al. in view of JP409258965A to Aoki. Referring to claim 15,

Cromer et al. discloses upon startup of a computer system, checking whether a BIOS of

said computer system is corrupt (Figure 4, 412.); continuing with a normal boot if said

BIOS is not corrupt (Figure 4, 410.); if said BIOS is corrupt: initializing components of

said computer system sufficient to establish a communications connection with a

recovery server, locating a recovery server, connecting to said recovery server and

sending system information to said recovery server (Figure 4, 412, 422.); transmitting,

based on said system information, an uncorrupted version of said BIOS; receiving said

uncorrupted version of said BIOS at said computer system (Figure 4, 424.); program

said uncorrupted version of said BIOS onto a BIOS storage area of said computer

system; and rebooting said computer system (Figure 4, 426.). Although Cromer et al. do

not specifically disclose that utility software can be transmitted to the client and

executed to program the BIOS, sending a flash update utility along with the flash update

is known in the art. From Aoki, "A host station 1 transmits an update program obtained

by previously changing the operation and the version of the program to the base station

2." A person of ordinary skill in the art at the time of the invention would have been

motivated to send a flash update utility because, from Aoki, "an update program [is]

obtained by previously changing the operation."

16.   Referring to claim 16, Cromer et al. discloses one of said components is a

network card. (From line 45 of column 3, "FIG. 1 illustrates a pictorial representation of a

data processing system including a plurality of client computer systems 104 coupled to

a server computer system 100 utilizing a hub 102 in accordance with the method and

system of the present invention. Server computer system 100 is connected to a hub

102 utilizing a local area network (LAN) connector bus 106. Respective client systems

104 also connect to hub 102 through respective LAN busses 106. The preferred form of

the network conforms to the Ethernet specification and uses such hubs. It will be

appreciated, however, that other forms of networks, such as token ring, may be utilized

to implement the invention.").

17.   Referring to claim 17, Cromer et al. discloses said computer system has a local

area network (From line 45 of column 3, "FIG. 1 illustrates a pictorial representation of a

data processing system including a plurality of client computer systems 104 coupled to

a server computer system 100 utilizing a hub 102 in accordance with the method and

system of the present invention. Server computer system 100 is connected to a hub

102 utilizing a local area network (LAN) connector bus 106. Respective client systems

104 also connect to hub 102 through respective LAN busses 106. The preferred form of

the network conforms to the Ethernet specification and uses such hubs. It will be

appreciated, however, that other forms of networks, such as token ring, may be utilized

to implement the invention.").

18.   Referring to claim 18, although Cromer et al. does not specifically disclose said

computer system connects to said recovery server over a wide area network,

connecting over a WAN is notoriously well known in the art. Examiner takes official

notice for wide area networks. A person of ordinary skill in the art at the time of the

invention would have been motivated to connect to a server over a WAN because it

provides connectivity over a wide geographic area. Further, from line 58 of column 3, "A

"network" may include any type of data communications channel, such as an Ethernet

network, token ring, X.10, or X.25. Those skilled in the art will recognize that the

invention described herein may be implemented utilizing any type of data

communications channel. However, the preferred embodiment is implemented utilizing an Ethernet network."

19.   Referring to claims 19 and 23, although Cromer et al. does not specifically disclose said computer system connects to said recovery server over the internet, connecting over the internet is notoriously well known in the art. Examiner takes official notice for the internet. A person of ordinary skill in the art at the time of the invention would have been motivated to connect to a server over the internet because it provides up to global connectivity. Further, from line 58 of column 3, "A "network" may include any type of data communications channel, such as an Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize that the invention described herein may be implemented utilizing any type of data communications channel. However, the preferred embodiment is implemented utilizing an Ethernet network."

20.   Referring to claim 20, although Cromer et al. does not specifically disclose one of said components is a modem, including a modem in a computer system is notoriously well known in the art. Examiner takes official notice for modems. A person of ordinary skill in the art at the time of the invention would have been motivated to include a modem in a computer system because it allows a computer to access a communications medium, such as a cable network or telephone lines, for data communications. Further, from line 58 of column 3, "A "network" may include any type of data communications channel, such as an Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize that the invention described herein may be

implemented utilizing any type of data communications channel. However, the preferred embodiment is implemented utilizing an Ethernet network."

21.   Referring to claim 21, although Cromer et al. does not specifically disclose said computer system connects to said recovery server over a direct dial connection, connecting a computer by dialing into a network is notoriously well known in the art. Examiner takes official notice for dial-up connections. A person of ordinary skill in the art at the time of the invention would have been motivated to use dial-up a connection to connect to a server because he or she would have been able to connect wherever there is a telephone connection. Further, from line 58 of column 3, "A "network" may include any type of data communications channel, such as an Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize that the invention described herein may be implemented utilizing any type of data communications channel. However, the preferred embodiment is implemented utilizing an Ethernet network."

22.   Referring to claim 22, although Cromer et al. does not specifically disclose said computer system connects to said recovery server though an internet service provider, connecting to a server over an ISP is notoriously well known in the art. Examiner takes official notice for ISPs. A person of ordinary skill in the art at the time of the invention would have been motivated to connect to a server using an ISP because ISPs provide access to the internet, a global communications network that interconnects networks of various design. Further, from line 58 of column 3, "A "network" may include any type of data communications channel, such as an Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize that the invention described herein may be

implemented utilizing any type of data communications channel. However, the

preferred embodiment is implemented utilizing an Ethernet network."

23.   Claims 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US 6314455 to Cromer et al. Referring to claim 40, Cromer et al. discloses a recovery

server, said recovery server comprising a processor, a storage containing an

uncorrupted version of a BIOS for a computer system; and a first communications

system (Figure 1, 100, wherein server is capable of processing, stores at least a flash

image for transmission, and is capable of communicating.); wherein said recovery

server, in response to receiving a request transmitted by said computer system with a

corrupted version of said BIOS detected during startup (Figure 4, 412.), connects to

said computer system, receives system information from said computer system (Figure

4, 412, 422.), and transmits said uncorrupted version of said BIOS to said computer

system (Figure 4, 424.). Although Cromer et al. does not specifically disclose this flash

image is stored on a hard drive, using a hard drive to store data is notoriously well

known in the art. An example of this can be seen in any typical personal computer

system, among other things. A person of ordinary skill in the art at the time of the

invention would have been motivated to store data on a hard drive because, among

other reasons, it is nonvolatile.

24.   Referring to claim 41, Cromer et al. discloses one of said components is a

network card. (From line 45 of column 3, "FIG. 1 illustrates a pictorial representation of a

data processing system including a plurality of client computer systems 104 coupled to

a server computer system 100 utilizing a hub 102 in accordance with the method and

system of the present invention. Server computer system 100 is connected to a hub 102 utilizing a local area network (LAN) connector bus 106. Respective client systems 104 also connect to hub 102 through respective LAN busses 106. The preferred form of the network conforms to the Ethernet specification and uses such hubs. It will be appreciated, however, that other forms of networks, such as token ring, may be utilized to implement the invention.").

25.   Referring to claim 42, Cromer et al. discloses said computer system has a local area network (From line 45 of column 3, "FIG. 1 illustrates a pictorial representation of a data processing system including a plurality of client computer systems 104 coupled to a server computer system 100 utilizing a hub 102 in accordance with the method and system of the present invention. Server computer system 100 is connected to a hub 102 utilizing a local area network (LAN) connector bus 106. Respective client systems 104 also connect to hub 102 through respective LAN busses 106. The preferred form of the network conforms to the Ethernet specification and uses such hubs. It will be appreciated, however, that other forms of networks, such as token ring, may be utilized to implement the invention.").

26.   Referring to claim 43, although Cromer et al. does not specifically disclose said computer system connects to said recovery server over a wide area network, connecting over a WAN is notoriously well known in the art. Examiner takes official notice for wide area networks. A person of ordinary skill in the art at the time of the invention would have been motivated to connect to a server over a WAN because it provides connectivity over a wide geographic area. Further, from line 58 of column 3, "A

"network" may include any type of data communications channel, such as an Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize that the invention described herein may be implemented utilizing any type of data communications channel. However, the preferred embodiment is implemented utilizing an Ethernet network."

27. Referring to claims 44 and 47, although Cromer et al. does not specifically disclose said computer system connects to said recovery server over the internet, connecting over the internet is notoriously well known in the art. Examiner takes official notice for the internet. A person of ordinary skill in the art at the time of the invention would have been motivated to connect to a server over the internet because it provides up to global connectivity. Further, from line 58 of column 3, "A "network" may include any type of data communications channel, such as an Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize that the invention described herein may be implemented utilizing any type of data communications channel. However, the preferred embodiment is implemented utilizing an Ethernet network."

28. Referring to claim 45, although Cromer et al. does not specifically disclose one of said components is a modem, including a modem in a computer system is notoriously well known in the art. Examiner takes official notice for modems. A person of ordinary skill in the art at the time of the invention would have been motivated to include a modem in a computer system because it allows a computer to access a communications medium, such as a cable network or telephone lines, for data communications. Further, from line 58 of column 3, "A "network" may include any type

of data communications channel, such as an Ethernet network, token ring, X.10, or

X.25. Those skilled in the art will recognize that the invention described herein may be

implemented utilizing any type of data communications channel. However, the

preferred embodiment is implemented utilizing an Ethernet network."

29.   Referring to claim 46, although Cromer et al. does not specifically disclose said

computer system connects to said recovery server though an internet service provider,

connecting to a server over an ISP is notoriously well known in the art. Examiner takes

official notice for ISPs. A person of ordinary skill in the art at the time of the invention

would have been motivated to connect to a server using an ISP because ISPs provide

access to the internet, a global communications network that interconnects networks of

various design. Further, from line 58 of column 3, "A "network" may include any type of

data communications channel, such as an Ethernet network, token ring, X.10, or X.25.

Those skilled in the art will recognize that the invention described herein may be

implemented utilizing any type of data communications channel. However, the

preferred embodiment is implemented utilizing an Ethernet network."

30.   Claims 4-9,12-14,27-31 and 35-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 6314455 to Cromer et al. as applied to claims 1, 2, 10, 24, 25, 32,

and 33 above. Referring to claims 4, 12, 27, and 35, although Cromer et al. does not

specifically disclose said computer system connects to said recovery server over a wide

area network, connecting over a WAN is notoriously well known in the art. Examiner

takes official notice for wide area networks. A person of ordinary skill in the art at the

time of the invention would have been motivated to connect to a server over a WAN

because it provides connectivity over a wide geographic area. Further, from line 58 of

column 3, "A "network" may include any type of data communications channel, such as

an Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize

that the invention described herein may be implemented utilizing any type of data

communications channel. However, the preferred embodiment is implemented utilizing

an Ethernet network."

31.   Referring to claims 5, 9, 13, 28, 31, 36, and 39, although Cromer et al. does not

specifically disclose said computer system connects to said recovery server over the

internet, connecting over the internet is notoriously well known in the art. Examiner

takes official notice for the internet. A person of ordinary skill in the art at the time of the

invention would have been motivated to connect to a server over the internet because it

provides up to global connectivity. Further, from line 58 of column 3, "A "network" may

include any type of data communications channel, such as an Ethernet network, token

ring, X.10, or X.25. Those skilled in the art will recognize that the invention described

herein may be implemented utilizing any type of data communications channel.

However, the preferred embodiment is implemented utilizing an Ethernet network."

32.   Referring to claims 6 and 37, although Cromer et al. does not specifically

disclose one of said components is a modem, including a modem in a computer system

is notoriously well known in the art. Examiner takes official notice for modems. A person

of ordinary skill in the art at the time of the invention would have been motivated to

include a modem in a computer system because it allows a computer to access a

communications medium, such as a cable network or telephone lines, for data

communications. Further, from line 58 of column 3, "A "network" may include any type

of data communications channel, such as an Ethernet network, token ring, X.10, or

X.25. Those skilled in the art will recognize that the invention described herein may be

implemented utilizing any type of data communications channel. However, the

preferred embodiment is implemented utilizing an Ethernet network."

33.   Referring to claim 7, although Cromer et al. does not specifically disclose said

computer system connects to said recovery server over a direct dial connection,

connecting a computer by dialing into a network is notoriously well known in the art.

Examiner takes official notice for dial-up connections. A person of ordinary skill in the art

at the time of the invention would have been motivated to use dial-up a connection to

connect to a server because he or she would have been able to connect wherever there

is a telephone connection. Further, from line 58 of column 3, "A "network" may include

any type of data communications channel, such as an Ethernet network, token ring,

X.10, or X.25. Those skilled in the art will recognize that the invention described herein

may be implemented utilizing any type of data communications channel. However, the

preferred embodiment is implemented utilizing an Ethernet network."

34.   Referring to claims 8, 30, and 38, although Cromer et al. does not specifically

disclose said computer system connects to said recovery server though an internet

service provider, connecting to a server over an ISP is notoriously well known in the art.

Examiner takes official notice for ISPs. A person of ordinary skill in the art at the time of

the invention would have been motivated to connect to a server using an ISP because

ISPs provide access to the internet, a global communications network that interconnects

networks of various design. Further, from line 58 of column 3, "A "network" may include

any type of data communications channel, such as an Ethernet network, token ring,

X.10, or X.25. Those skilled in the art will recognize that the invention described herein

may be implemented utilizing any type of data communications channel. However, the

preferred embodiment is implemented utilizing an Ethernet network."

35.   Referring to claim 14, although Cromer et al. does not specifically disclose said

server and said computer system are connected through said computer system's

modem, connecting through a modem is notoriously well known in the art. Examiner

takes official notice for a modem. A person of ordinary skill in the art at the time of the

invention would have been motivated to connect using a modem because modems are

devices of extremely common inclusion in modern day computer systems, designed for

data communications with another computer system. Further, from line 58 of column 3,

"A "network" may include any type of data communications channel, such as an

Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize that

the invention described herein may be implemented utilizing any type of data

communications channel. However, the preferred embodiment is implemented utilizing

an Ethernet network."

36.   Referring to claim 29, although Cromer et al. does not specifically disclose said

first and second communication systems are modems, using a modem in a computer to

connect to another computer with a modem is notoriously well known in the art.

Examiner takes official notice for modems. A person of ordinary skill in the art at the

time of the invention would have been motivated to connect using a modem because

modems are devices of extremely common inclusion in modern day computer systems,

designed for data communications with another computer system. Further, from line 58

of column 3, "A "network" may include any type of data communications channel, such

as an Ethernet network, token ring, X.10, or X.25. Those skilled in the art will recognize

that the invention described herein may be implemented utilizing any type of data

communications channel. However, the preferred embodiment is implemented utilizing

an Ethernet network."

Response to Arguments

37.   Applicant's arguments with respect to claims 1-48 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

38.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

>   US 5732268 to Bizzarri

>   US 6259442 to Britt, Jr. et al.

>   US 6594757 to Martinez

>   US 6732267 to Wu et al.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gabriel L. Chu whose telephone number is (571) 272-

3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert W. Beausoliel, Jr. can be reached on (571) 272-3645. The fax

phone number for the organization where this application or proceeding is assigned is

703-872-9306.

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